IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

WP(C).No. 3253 of 2004(K)

PETITIONER:

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1. PHILOMINA, W/O. ISRAEL,
   AGED 48 YEARS, ERACHIPPARA COLONY,
   DEVIKULAM, IDUKKI DIST.

2. DAVID, S/O. DEVADAS,
   AGED 49 YEARS, ERACHIPPARA COLONY,
   DEVIKULAM, IDUKKI DIST.

3. GUNDAN, S/O. SIVAJNANAM,
   AGED 48 YEARS, ERACHIPPARA COLONY,
   DEVIKULAM, IDUKKI DISTRICT.

4. RAMAN, S/O. CHODALAMUTHU,
   AGED 45 YEARS, ERACHIPPARA COLONY,
   DEVIKULAM, IDUKKI DISTRICT.

BY ADV. SRI.N.M.VARGHESE
SRI.DENIZEN KOMATH

RESPONDENTS:

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1. STATE OF KERALA TO BE REPRESENTED BY
   SECRETARY, REVENUE DEPARTMENT, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
   IDUKKI DISTRICT COLLECTORATE, KUYILIMALA, IDUKKI.

3. THE TAHSILDAR,
   DEVIKULAM TALUK, DEVIKULAM, IDUKKI DISTRICT.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C)No.3253/2004

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. PHOTOCOPY OF POSSESSION CERTIFICATE NO.5124/2000, DATED 4-9-2000 ISSUED BY THE VILLAGE OFFICER, KANNAN DEVAN HILLS VILLAGE.

EXT.P2. PHOTOCOPY OF INCOME CERTIFICATE NO.916/2003 DATED 24-3-2003 ISSUED BY THE VILLAGE OFFICER.

EXT.P3. PHOTOCOPY OF THE POSSESSION CERTIFICATE NO.119/02 DATED 16-1-2002 ISSUED BY THE VILLAGE OFFICER, KANNAN DEVAN HILLS.

EXT.P4. PHOTOCOPY OF POSSESSION CERTIFICATE NO.168/2002 DATED 23-1-2002 ISSUED BY THE VILLAGE OFFICER.

EXT.P5. PHOTOCOPY OF INCOME CERTIFICATE NO.1652/2003 DATED 5-5-2003 ISSUED BY THE VILLAGE OFFICER.
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EXT.P6. PHOTOCOPY OF POSSESSION CERTIFICATE NO.117/2002 DATED 16-1-2002 ISSUED BY THE VILLAGE OFFICER.

EXT.P7. COPY OF COMPLAINT DATED 24-1-2004 SUBMITTED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS:

EXT.R2(a) COPY OF THE PROCEEDINGS NO.C2-40384/99 DATED 16-8-2001

EXT.R2(b) COPY OF ORDER NO.19415/R-3/04/RD DATED 25-5-2004

/ TRUE COPY /

P.S.TO JUDGE

KURIAN JOSEPH, J.

W.P(C)No. 3253 of 2004

Dated this the 30th day of July, 2007

JUDGMENT

The writ petition is filed mainly with the following prayers:-

> (ii) issue a writ of mandamus directing the respondents not to evict/dispossess the petitioners from their properties covered by Exts.P1, P3, P4 and P6 without following procedures established by law.
>
> (iii) issue a writ of mandamus directing the respondents to consider and complete the proceedings on the pending applications for assignment submitted by the petitioners, within a time frame.

It is submitted that the applications are pending before the second respondent. There will be a direction to the second respondent to look into the applications of the petitioners and take appropriate action thereon in accordance with law after affording an opportunity for hearing to the petitioners within a period of three months from the date of receipt of a copy of this judgment. The interim order passed by this court will continue till such time.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.